

To the Honorable Council City of Norfolk, Virginia

January 12, 2016

From:

George M. Homewood, AICP, CFM, Planning Director

Subject:

Special Exception for the Resumption of a non-conforming use at 517 Warren Crescent

and 533 Mill Street by Work Program Architects

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

W francisco City Managar

Item Number:

R-7

Marcus D. Jones, City Manager

- I. Staff Recommendation: Approval.
- II. Commission Action: By a vote of 6 to 0, the Planning Commission recommends Approval.
- III. <u>Request:</u> Special Exception to re-establish a non-conforming accessory dwelling unit that was destroyed by fire.
- IV. Applicant: Work Program Architects
- V. Description:
 - In April 2015 the existing non-conforming garage with an accessory dwelling unit on the second floor was destroyed by fire.
 - The current HC-G1 zoning does not permit accessory dwelling units.
 - The applicant is requesting to rebuild the historically consistent garage with an accessory dwelling unit on the second floor.
 - The structure may be rebuilt if it has not been discontinued for more than 10 years, the structure is/was architecturally significant, and if a Special Exception has been granted.
 - The proposed design for the garage and accessory dwelling unit has been approved by the Architectural Review Board (ARB).
 - The rebuilt accessory structure will meet the required setbacks, building code, and floodplain requirements.
 - The structure must be rebuilt by April 21, 2017 and no reduction of the off-street parking requirements will be permitted.

Staff point of contact: Robert Tajan at 664-4756, Robert.Tajan@norfolk.gov

Attachments:

- Staff Report to CPC dated December, 10 2015 with attachments
- Letter of support
- Proponents and Opponents
- Ordinance



Planning Commission Public Hearing: <u>December 10, 2015</u>

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Robert J. Tajan, AICP, CFM P07

Staff Report	Item No. 6			
Address	517 Warren Crescer	517 Warren Crescent and 533 Mill Street		
Applicant	Work Program Arch	Work Program Architects		
Request	Special Exception	Resumption of a non-conforming use		
Property Owner	Lawrence and Robbin Brett			
Site Characteristics	Site Area/Space	.3 acres/13,570 sq. ft.		
	Zoning	HC-G1 (Ghent Historic and Cultural Conservation)		
	Neighborhood	Ghent		
	Character District	Traditional		
Surrounding Area	North	HC-G1: Single-family homes		
	East	HC-G1: Single-family homes		
	South	HC-G1: Single-family homes		
	West	HC-G1: Single-family homes		



A. Summary of Request

The applicant proposes to re-establish a non-conforming accessory dwelling unit that was destroyed by fire.

B. Plan Consistency

- plaNorfolk2030 identifies this site as single family traditional.
 - The identifying land use strategies chapter of plaNorfolk2030 identifies the single family traditional land use category as a location for single family detached development characterized by houses set back a moderate distance from the street with driveways leading to rear garages on lots of 50 to 70 feet wide and approximately 4,000 to 7,500 square feet.
- Although the construction of a second dwelling unit on the property inconsistent with plaNorfolk2030, the proposed Special Exception will allow for the reconstruction of a previously existing historically consistent accessory dwelling unit which is clearly incidental to the existing single-family residence.

C. Zoning Analysis

- i. General
 - In April 2015, the existing legally non-conforming garage with an accessory dwelling unit on the second floor was destroyed by fire.
 - The original accessory structure was built in 1916.
 - In 1948, the structure is noted to have been a two story brick and frame garage apartment.
 - The 1950 Zoning Ordinance had this area zoned R-3 which permitted one and two family structures.
 - The use was established and existing when the zoning of the property allowed the use as a matter of right; this it is a legally nonconforming structure and
 - The current HC-G1 zoning does not permit accessory dwelling units.
 - In section 12-9, "Discontinuation of nonconforming uses" of the Zoning Ordinance, a non-conforming use may be reconstructed and resumed if the following criteria are met:
 - The non-conforming use has not been discontinued for more than 10 years;
 - The building is/was historically or architecturally significant; and
 - A special exception has been granted
 - The applicant proposes to rebuild the accessory structure and resume the previous non-conforming accessory dwelling unit with a special exception.
 - In section 12-8.2 of the Zoning Ordinance, nonconforming structures that have been destroyed by an act of God may be rebuilt if:
 - The nonconforming features are reduced to the greatest extent possible;
 - The reconstruction is completed within two years of the destructive event;
 and
 - The reconstruction must comply with required building codes and floodplain regulations.

- The proposal will eliminate the encroachment of the previous building into the right-of-way, meet all required setbacks for accessory structures, and upgrade the building to meet the floodplain requirements.
- The parking will match what previously existed on the site although it remains non-conforming given the uses.
 - The parking will remain nonconforming to allow for the new structure to match the massing and layout of the historic structure that was destroyed by fire.

ii. Historic Impacts

- The historic carriage house was destroyed by fire in April 2015.
- In order to build or rebuild any structure visible from the right-of-way within the HC districts, a Certificate of Appropriateness (COA) must be obtained.
- The applicant has received approval from the Architectural Review Board (ARB) for a COA to rebuild the carriage house subject to the following conditions:
 - The wall section shall be a continuously vertical from top to bottom;
 - The pergola shall be reduced in scale and painted a dark color;
 - The window pattern shall be 4/4 on the double hung windows and 3 on the awning windows;
 - The trim shall be wood above the design flood elevation;
 - Half round gutters with round downspouts are to be used; and
 - Roof material shall be fiberglass.

iii. Parking

- The residence is located within the Traditional Character District, which requires two parking spaces per dwelling unit.
- In order to allow for replacement of the historic carriage house, the property will remain nonconforming to the off-street parking requirements.
- Parking for both the residence and the accessory dwelling unit will be accommodated inside the proposed carriage house.

iv. Flood Zone

- The property is in the AE (Elevation 7.6, NAVD '88) Flood Zone.
- The carriage house will be required to meet all floodplain requirements including flood vents in the first floor and flood resistant construction to the design flood elevation of 10.6.
- The replacement of the carriage house will be more resilient to flood waters with the required design elements.

D. Transportation Impacts

No new trips are forecast related to the proposed re-establishment of the previous use and structure on the site.

E. Impact on the Environment

- The existing site meets the requirements for lot coverage within the HC-G1 district.
- There should be no noticeable impact to the surrounding on street parking since the design will be no different than what has been on the site since 1916.

F. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed reconstruction of the accessory dwelling unit above the garage should not have a negative effect on the surrounding neighborhood.

G. Payment of Taxes

The owner of the property is current on all real estate taxes.

H. Civic League

- Notice was sent to the Ghent Neighborhood League on October 28.
- The applicant met with the civic league on September 24 and November 12.

I. Communication Outreach/Notification

- Legal notice was posted on the property on November 10.
- Letters were mailed to all property owners within 300 feet of the property on November 25.
- Legal notification was placed in *The Virginian-Pilot* on November 26 and December 3.

J. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The accessory dwelling unit at 533 Mill Street and the residence at 517 Warren Crescent shall stay in common ownership to ensure there is no reduction in the on-site parking.
- (b) The site improvements shall be installed in accordance with site improvement plan, attached hereto and marked "Exhibit A."
- (c) Reconstruction of the carriage house shall be completed by April 21, 2017.

Attachments

Location Map
Zoning Map
Application
COA approval
ARB application
Notice to the Ghent Neighborhood League

Proponents and Opponents

Proponents

Applicant/Representative Peter Johnson – Work Program Architects 208 East Plume Street, Suite 2 Norfolk, VA 23510

Kristen Abney 539 Warren Crescent Norfolk, VA 23507

Karen Reynes 401 Warren Crescent Norfolk, VA 23507

Opponents

None

12/08/15 lds

Form and Correctness Appro

Contents Approved: K

proved: 14

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT THE RESUMPTION OF A NONCONFORMING USE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 12-9 OF THE ZONING ORDIANANCE OF THE CITY OF NORFOLK, 1992, AS AMENDED ON PROPERTY LOCATED AT 517 WARREN CRESCENT AND 533 MILL STREET.

NORFOLK, VIRGINIA

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the resumption of a nonconforming use on property located at 517 Warren Crescent and 533 Mill Street. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the southwest corner of Warren Crescent and Mill Street fronting 125 feet, more or less, along the southern line of Mill Street and 90 feet, more or less, along the western line of Warren Crescent; premises numbered 517 Warren Crescent and 533 Mill Street.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- The total number of off-street parking spaces (a) located on the property shall not be reduced.
- The site shall be improved in accordance with the (b) conceptual plan attached hereto and marked as "Exhibit A."
- Reconstruction of the carriage house fronting onto Mill Street shall be completed no later than April 21, 2017.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

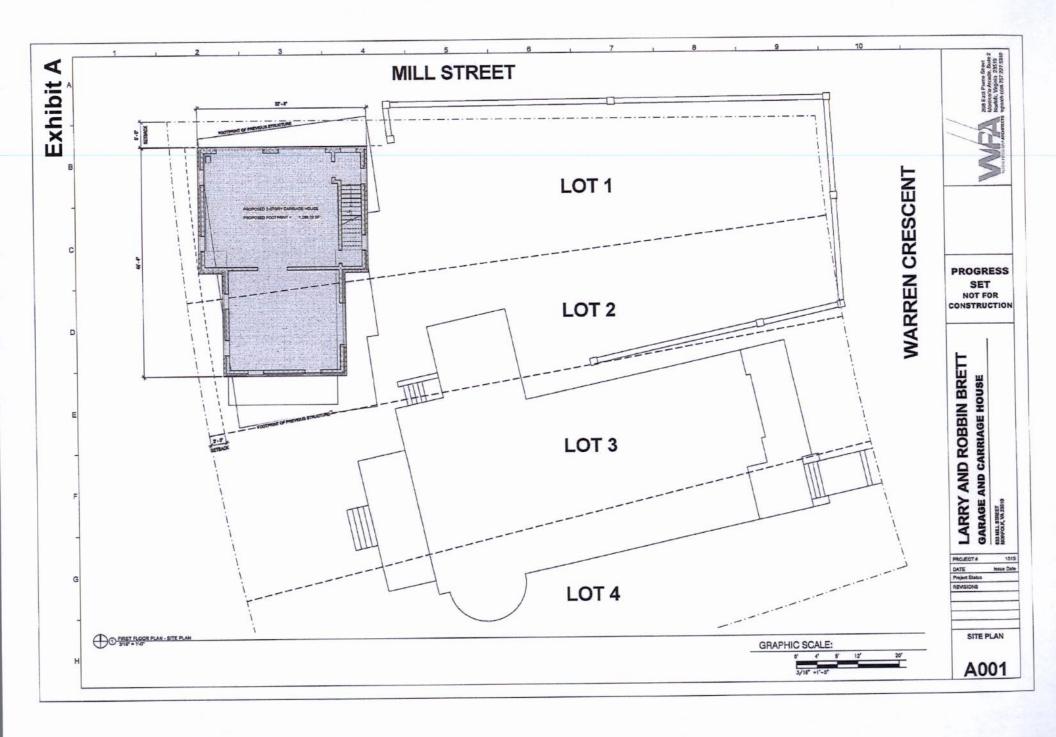
- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a

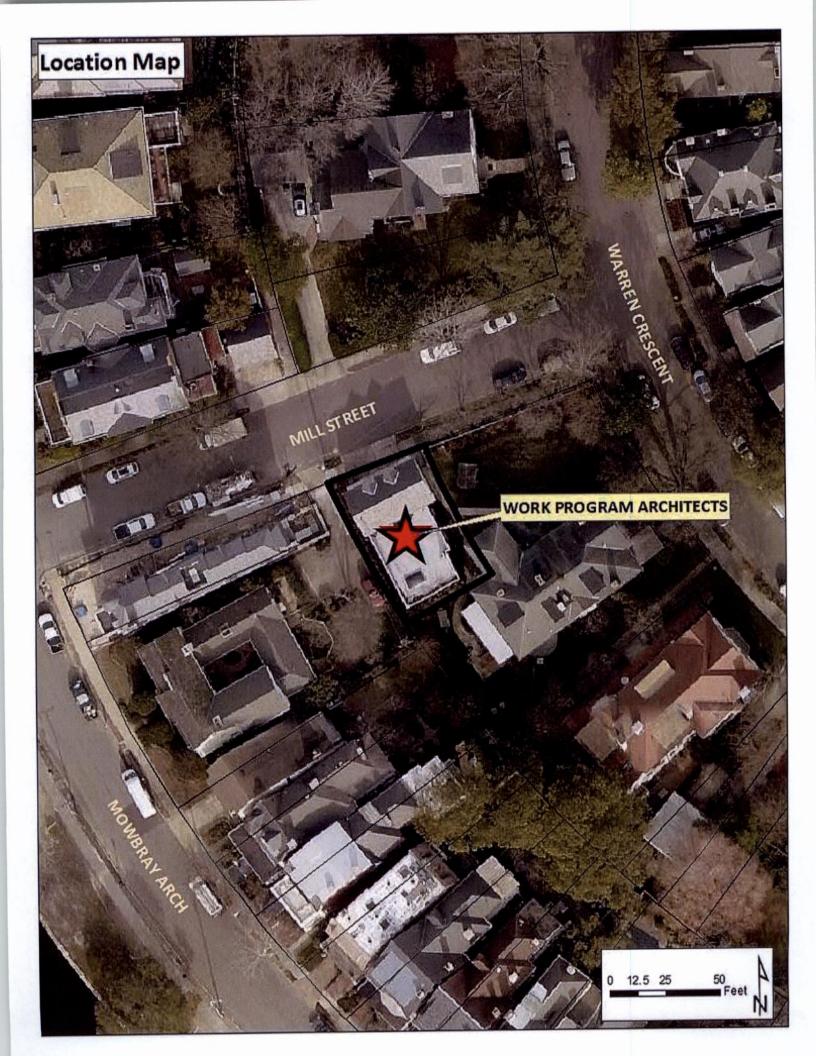
negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;

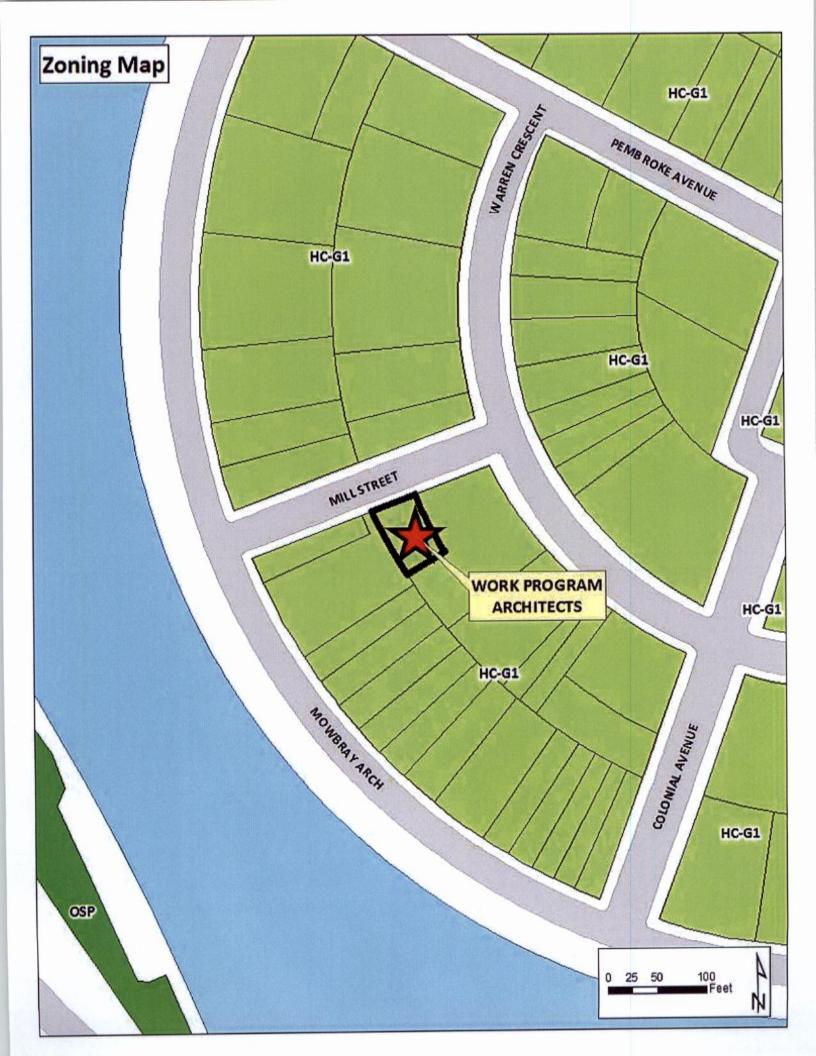
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT: Exhibit A (1 page)









Special Exception	for: Accessory Dwellin	ng Unit Replacement	_
		Date of application: 10-26-2015	
DESCRIPTION OF	PROPERTY		
Property location:	(Street Number) 517	(Street Name) Warren Crescent	
Existing Use of Pro	perty Single Family Res	sidence	
Current Building So	quare Footage_N/A		
Replace a historica 2015. The previou design and massir	s carriage house wa	Dwelling Unit that was destroyed by fire on April s built in 1906. The proposed replacement reflect ructure as closely as was deemed practical while g with current setback requirements.	s the
Proposed Square	Footage_1,550 SF		
Proposed Hours of	f Operation:		
Weekday	From	То	
Friday	From	То	
Saturday	From	То	
Sunday	From	То	
Trade Name of Bu	siness (If applicable) N/A	

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015) Application Special Exception Page 2

APPLICANT (If applicant is a LLC or a Corp./Inc., inc.	clude name of	official represe	entative and/o	r all partners)
Name of applicant: (Last)		(First)		_(MI)
Mailing address of applicant (Street/P.0). Box):			
(City)	(State)	(Zip	Code)	
Daytime telephone number of applican	t ()	Fax	· ()	
E-mail address of applicant:				
AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., included)	le name of offi	cial representa	ative and/or a	ll partners)
2. Name of applicant: (Last)		_(First)		_(MI)
Mailing address of applicant (Street/P.	O. Box):			
(City)	(State)	(Zi	p Code)	
Daytime telephone number of applican	t ()	Fa	x ()	
E-mail address of applicant:				
PROPERTY OWNER If property owner is a LLC or a Corp./Inc	., include nam	e of official rep	resentative a	nd/or all partners)
3. Name of property owner: (Last)		(First)		(MI)
Mailing address of property owner (Str	eet/P.O. box):			
(City) (State	e)	(Zip Co	ode)	
Daytime telephone number of owner (

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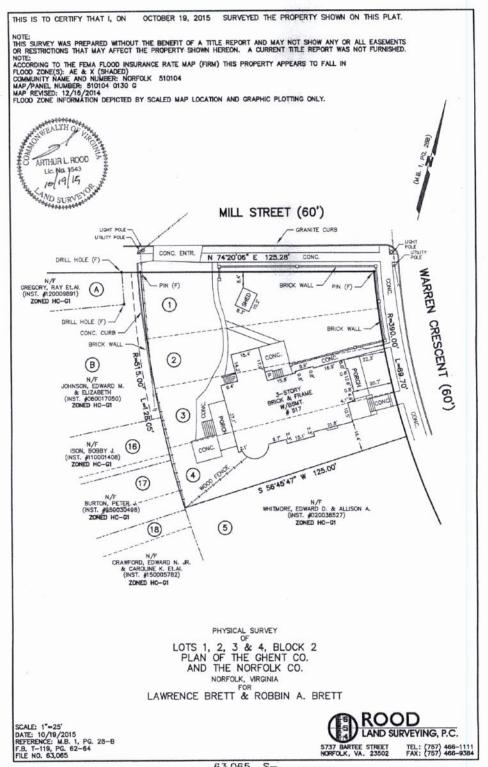
Special Exception Page 3

Print name:

CIVIC LEAGUE INFORMATION Civic League contact: KAREN REVNES, GNL Date(s) contacted: PRESENTED DESIGN 9/24/15 , PRESENTING SPEUAL EXCUSTION 11/12/15 Ward/Super Ward information: WARD 2 / SUPERVARD 6 REQUIRED ATTACHMENTS: ✓ Required application fee, \$355.00 (if check, make payable to the City of Norfolk). o Application fee includes a non-refundable \$5 technology surcharge. ✓ One 8½ x 14 inch or 11 x 17 inch copy of a physical survey, drawn to scale and showing site conditions and improvements (including portions of the right-of-way to the curb line): Existing and proposed building structures Driveways Parking Landscaping Property lines (see attached example) ✓ One 8 ½ x 14 inch or 11 x 17 inch copy of a conceptual site plan drawn to scale and showing all proposed site improvements, landscaping, drive aisles and parking with dimensions, and proposed changes to parcel/property lines (including lease lines) if applicable. CERTIFICATION: I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge: Print name: ONLY NEEDED IF APPLICABLE:

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised September, 2015)





Certificate of Appropriateness

November 9, 2015

Mr. Peter Johnston WPA 208 E. Plume Street, Suite 2 Norfolk, VA 23510

Re: 533 Mill Street—Ghent Historic District—#15-73

Dear Mr. Johnston:

On November 9, 2015 the Architectural Review Board (ARB) reviewed your request for a Certificate of Appropriateness for to rebuild the carriage house.

The ARB approved your request for a Certificate of Appropriateness for carriage house was approved as submitted. This meets the *City of Norfolk Historic District Design Guidelines* for *Accessory Structures*: number (5) "Design the accessory structure to be compatible in style to the primary building and surrounding properties by using similar features such as roof type, siding, openings, and architectural details. However, because it is a secondary structure, if it should not be more ornamented than the primary structure, nor should it distract from the primary structure."

The approval was made with the following conditions:

- The wall section shall be a continuous vertical from top to bottom;
- Scale the pergola down and paint a dark color;
- The window pattern be 4/4 on the double hung windows and 3 on the awning windows;
- The trim shall be wood above the flood proofing shall be wood;
- Half round gutters with round downspouts;
- Roof material shall be fiberglass.

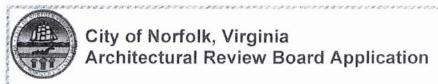
This approval is subject to approval of the Special Exception of the resumption of the non-conforming use.

Enclosed are two copies of the stamped approved plans. Please retain this letter and enclosed plans, as loss of these documents could necessitate resubmitting to the Architectural Review Board.

Sincerely,

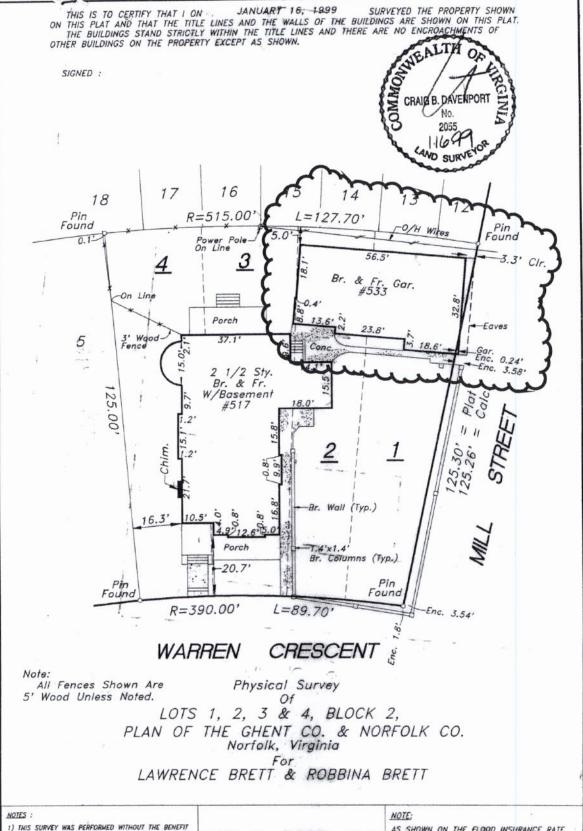
Leonard M. Newcomb, III Assistant Director, Planning

Secral W. New Cente CIP



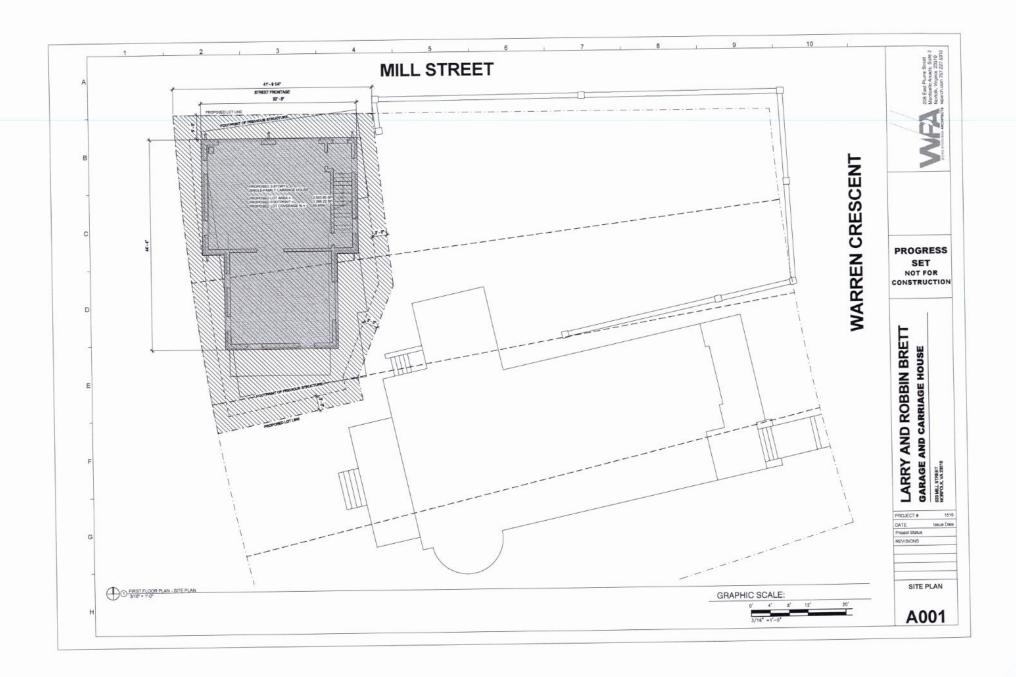
810 Union Street, Suite 508 Norfolk, VA 23503 757/823-1451 Phone Susan.mcbride@norfolk.gov

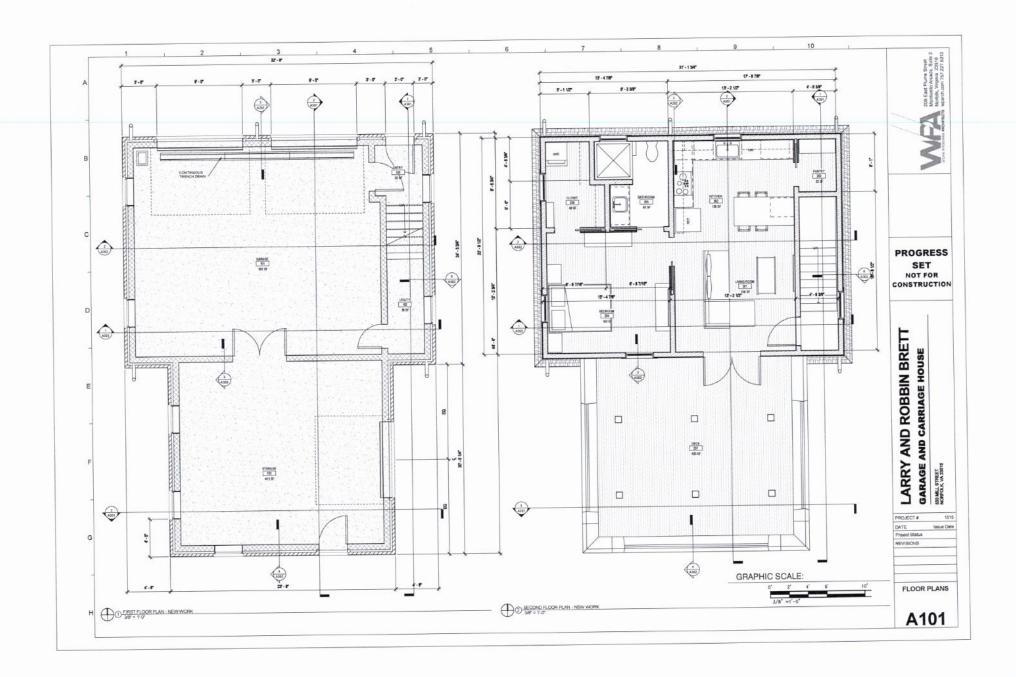
Project Name & Address (if applicable):533 N	Mill St., Norfolk, VA - Carriage House
Applicant Name: Work Program Architects	
Applicant Address: 208 E. Plume St., Ste.2, N	lorfolk, VA 23510
Applicant Phone: 757-227-5310	Applicant E-mail:peter@wparch.com
Property Owner (if different): Larry and Robbi	in Brett
Property Owner Address: 517 Warren Crescer	nt, Norfolk, VA
Phone: 757-477-3023	-mail: LBrettiii@aol.com
Property Owner Signature:	- Rola Brutt
Brief project description/scope:	
New Single-Family Residence on replatted lot to replace	
	and cedar shakes at upper floor. The roof is to be architectural
	ent. The roof of the 1-story portion to the rear serves as a roof-top
deck for the dwelling unit.	
	us structure to accomodate new setback requirements. nstruction up to an elevation of 11'. The BFE for this site is 7.6'.
Type of Application (check all that ap ✓ New Construction, Additions & Substantial Renovations Sign, Canopy & Outdoor Dining	pply):LandscapingDiscussionDemolition
BEFORE you submit (check all that ap Have you met with your respective Civic I comments?	Pply): League or homeowner's association for approval and
If you are encroaching into the public right-of-wa	ay have you met with the respective City agencies?
Agency/Contact:	Date:
Agency/Contact:	Date:
Agency/Contact:	Date:
Submit five (5) collated, hard copies and one (1) direction that they will be read. The completed meeting deadline.	digital copy. Digital copy must have all the pages in the application is due by 12:00 p.m. on the day of the

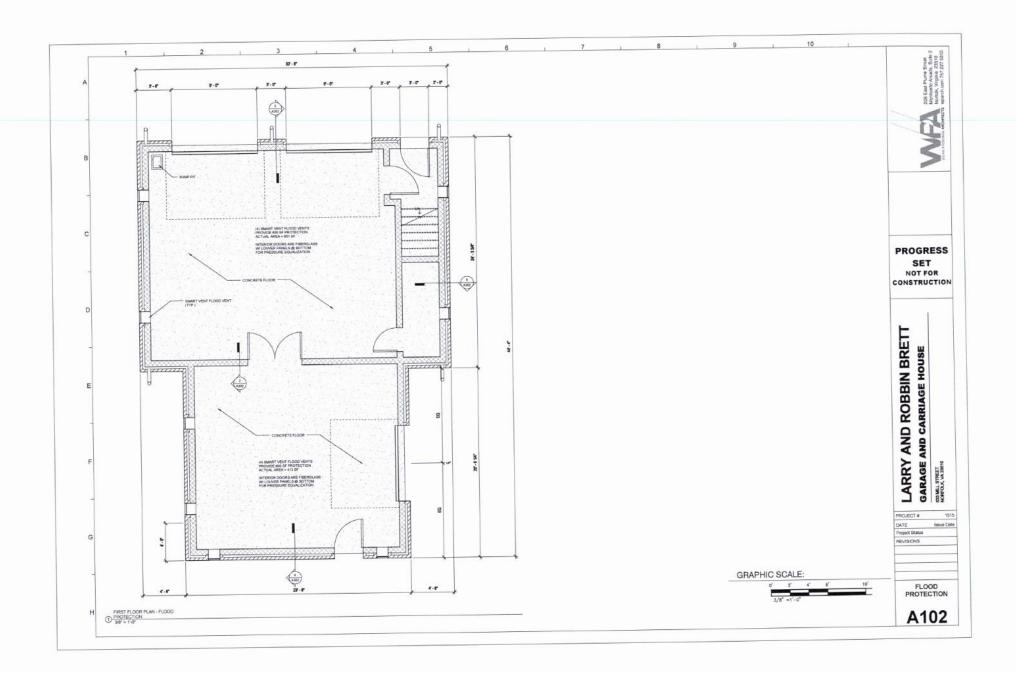


1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY / ALL EASEMENTS OR RESTRICTIONS THAT MAY AFFECT SAID PROPERTY AS SHOWN. AS SHOWN ON THE FLOOD INSURANCE RATE LEE S. ROOD, P.C. MAP, THIS PROPERTY APPEARS TO FALL IN : Land Surveyors LEE S. ROOD, P.C. IS NOT A PARTY IN DETERMINING
THE REQUIREMENTS FOR FLOOD INSURANCE ON THE
PROPERTY SHOWN HEREON.
THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY
WILL OR WILL MOT AE SUBJECT TO FLOODING, FOR
FURTHER INFORMATION, CONTACT THE LOCAL
COMMUNITY FLOOD OFFICIAL. "A4" "B" FLOOD ZONE (S)_ 5737 BARTEE STREET COMMUNITY NO. 510104 NORFOLK, VIRGINIA 23502 PANEL NO. 17D DATED: 4/17/84 Ph. (757) 466-1111 3) ELEVATIONS SHOWN HEREON REFER TO N.G.V.D. OF 1929. BASE FLOOD ELEVATION = NORFOLK M.B.1, PG.28B F.B. 230 Pg. 16,17 DATE: 1/16/99 SCALE: 1"=25' REFERENCE:

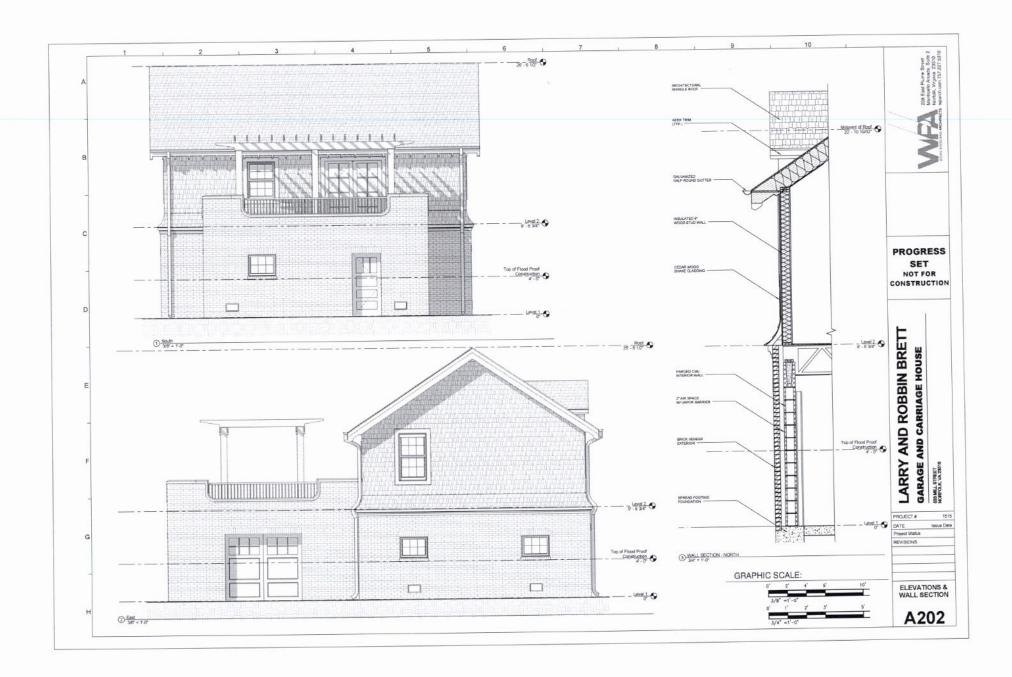
REF. 14,602 & 19,614

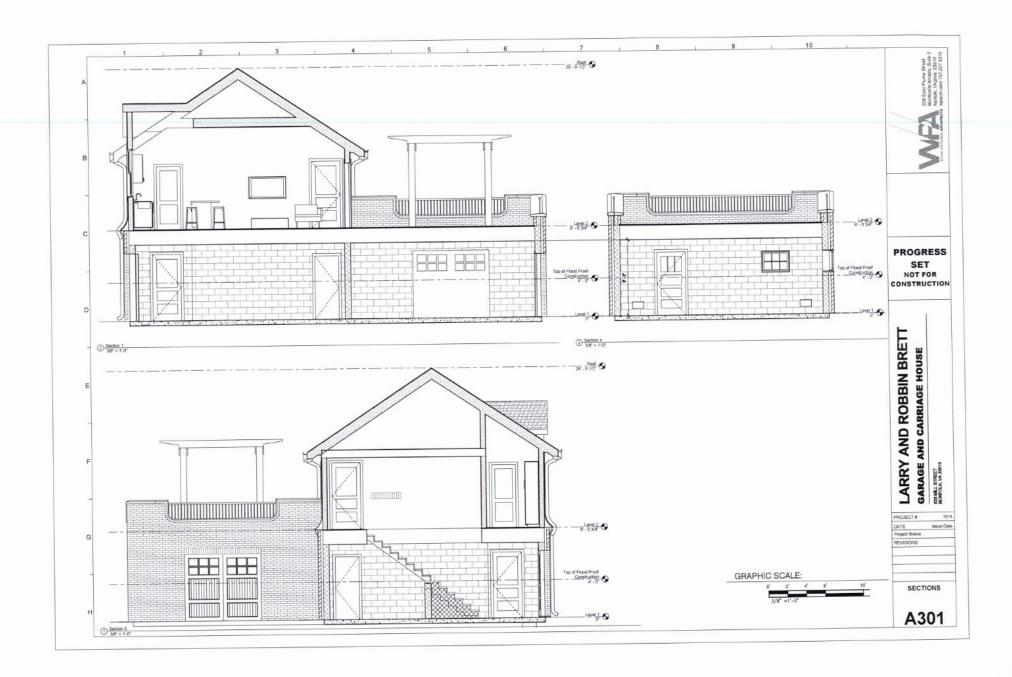
















PROGRESS

SET NOT FOR CONSTRUCTION

CARRY AND ROBBIN BRETT GARAGE AND CARRIAGE HOUSE

PROJECT #

DATE

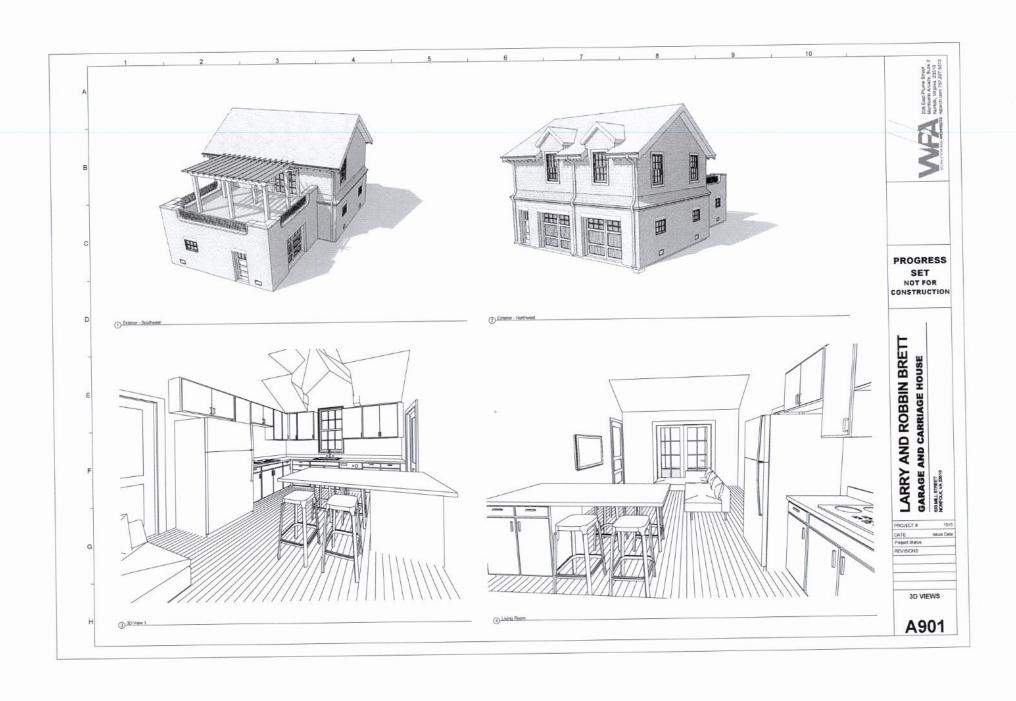
Project Status

REVISIONS 1515 Issue Date

HISTORICAL STRUCTURE

A701





Tajan, Robert

From: Straley, Matthew

Sent: Wednesday, October 28, 2015 1:37 PM

To: info@ghentva.org; Emily Birknes

Cc: Whibley, Terry; Winn, Barclay; Wilson, Denise; Tajan, Robert

Subject: new Planning Commission application - 533 Mill Street

Attachments: 1515_Brett_Carriage House_Special Exception App.pdf

Ms. Birknes,

Attached please find the application for a special exception for the resumption of a nonconforming use at 533 Mill Street in accordance with the provisions of section 12-9(a)(1) of the Zoning Ordinance of the City of Norfolk, 1992, as amended.

The purpose of this request is to rebuild a previously existing carriage house that was destroyed by fire.

The item is tentatively scheduled for the December 10, 2015 Planning Commission public hearing.

Should you have any questions, please e-mail or call Bobby Tajan at (757) 664-4756, robert.tajan@norfolk.gov

Thank you.

Matthew Straley

GIS Technician II
Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569